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May 19, 2006

Via Electronic Filing and Federal Express

The Honorable Gregory M. Sleet
United States District Court
District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Room 4324 - Lockbox 19
Wilmington, DE 19801

Re: Michael Roberts v. Altair Lines, S.A., et al.
Civil Action No. 05-0454(GMS)

Dear Judge Sleet:

This office represents Fourth Party Defendant Murphy Marine Services, Inc. in the above-referenced matter. On May 16, 2006, pursuant to agreement of counsel, this office filed a Stipulation to extend the time for Murphy Marine to respond to the Fourth Party Complaint (D.I. #25). On that same day, in accordance with that agreement and in lieu of answering the Fourth Party Complaint, this office also filed a Motion to Dismiss Counts II and II of the Fourth Party Complaint under Federal Rule of Civil Procedure 12(b)(6) and to Strike Impleader under Rule 14(c). (D.I. # 25, D.I. 26).

The Stipulation filed at D.I. # 25 was rejected by the Court. Accordingly, the Stipulation was amended, and, with permission of counsel, re-filed yesterday, May 18, 2006. (D.I. #28). On that same day, Your Honor granted the Stipulation and allowed Murphy Marine until today, May 19, 2006, to "Answer" the Fourth Party Complaint. (D.I. #29).

Your Honor's Order clearly contemplates an additional filing by Murphy Marine. However, the motion filed at D.I. #25 and D.I. #26 is Murphy Marine's response under the Federal Rules. Although the Amended Stipulation was incorrectly titled on the docket as a "Stipulation to Extend Time to Answer", the Stipulation itself states, and the parties agreed to, an

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extension of time for Murphy Marine to respond to the Fourth Party Complaint. Murphy Marine has responded by way of motion. The Amended Stipulation was filed to ensure that the motion already filed was not out-of-time. We write to clarify that Murphy Marine does not intend to file an additional pleading.

We apologize for the incorrect labeling of the docket entry as a "Stipulation to Extend Time to Answer" instead of a "Stipulation to Extend Time to Respond" and for any confusion this may have caused.

Respectfully Submitted,

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By: 

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